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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 MIGUEL A. CRUZ, and JOHN D. HANSEN,
17 individually and on behalf of all others
similarly situated,

18 Plaintiffs,

19 v.

20 DOLLAR TREE STORES, INC.,

21 Defendant.

22
23
24 ROBERT RUNNINGS individually, and on
behalf of all others similarly situated,

25 Plaintiff,

26 v.

27 DOLLAR TREE STORES, INC.,

28 Defendant.

CASE NO. C 07 2050 SC
CASE NO. C 07 04012 SC

**DECLARATION OF PATRICIA
DOSS IN SUPPORT OF DOLLAR
TREE STORES, INC.'S REPLY ON
SUMMARY JUDGMENT AS TO
ROBERT RUNNINGS**

DATE: March 21, 2008
TIME: 10:00 a.m.
DEPT: Ctrm. 1, 17th Floor
JUDGE: Hon. Samuel Conti

COMPLAINTS FILED: April 11, 2007
July 6, 2007
TRIAL DATES: No dates set.

1 I, Patricia Doss, declare that:

- 2
- 3 1. I am over the age of eighteen and have personal knowledge of the facts set forth
- 4 below. If called upon as a witness, I could testify competently thereto.
- 5
- 6 2. I am a Human Resources Manager for Dollar Tree Management, Inc. ("DTM"), a
- 7 wholly owned subsidiary of Dollar Tree Stores, Inc. ("DTS"). (DTM and DTS shall
- 8 be collectively referred to as "Dollar Tree.") DTS has several wholly owned
- 9 subsidiaries, including DTM, which operate from the same location as DTS'
- 10 corporate office and exist for the sole purpose of providing support for the
- 11 operations of DTS and its other wholly owned subsidiaries and affiliates. As a
- 12 Human Resources Manager, my responsibilities include working with employees
- 13 in Dollar Tree's stores and I have access to Dollar Tree's human resources
- 14 records.
- 15
- 16 3. In June, 2005, Dollar Tree began to have its Store Managers in California
- 17 complete a certification form on a weekly basis. The form requires each Store
- 18 Manager to state whether or not s/he spent more than 50% of the previous week
- 19 working on exempt functions. Along with that form is a document that identifies a
- 20 non-exhaustive list of types of duties that are exempt. The certification is to be
- 21 completed on-line. Responses are maintained in Dollar Tree's system in the
- 22 ordinary course of conducting its business except that, due to a computer glitch
- 23 that was not immediately recognized, there were periods of time where someone
- 24 responded but their answer was not captured.
- 25
- 26
- 27 4. As part of my duties, I would periodically check to see that the certifications had
- 28

1 been completed and what they said. On several occasions, I sent hard copy
2 (paper) certifications to Store Managers who had weeks where they had not
3 completed them and asked that they complete and return them to me.
4

5 5. From the data that Dollar Tree maintains, I created a report of all responses. The
6 report shows the responses by week, the number of open stores in California for
7 each week, the number of stores that responded, the percentage of Store
8 Managers responding, the number of stores that did not complete a certification
9 and the percentage of Store Managers who did not respond. Also on that report
10 under a column entitled "notes," I identified the weeks that data was missing due
11 to computer glitches, indicated when district managers were contacted about
12 incomplete certifications, identified when I sent out paper forms to be completed
13 to stores that were missing certifications and made notes about why certain
14 stores did not provide certifications. I updated that report approximately once a
15 month. A copy of that report is attached hereto as Exhibit A. I provided a copy of
16 that report to counsel for Dollar Tree.
17
18

19 6. From the data maintained by Dollar Tree, I also created a report, attached hereto
20 as Exhibit B, that identifies the percentage of yes responses and no responses
21 received for each week. I provided a copy of that report to counsel for Dollar
22 Tree also.
23

24 7. As I mention in paragraph 3 above, there were some computer system problems
25 that prevented Dollar Tree from capturing all on-line certification responses.
26 After the problem was discovered and it was determined that the missing data
27 could not be captured, I reviewed the alert attached hereto as Exhibit C before it
28

1 was sent to Dollar Tree's stores in California in late September, 2007. As
2 explained in Exhibit C, just the missing certifications were available to complete.
3 Certifications that had been captured were not available to complete again. I
4 read the declaration Robert Runnings provided in opposition to Dollar Tree's
5 motion for summary judgment and Exhibit J to that declaration. Exhibit J
6 contains my email response to Mr. Runnings, dated 9/26/07. The alert I refer to
7 in that email is Exhibit C to this declaration.
8

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed in Chesapeake, Virginia this 10th day of March, 2008.

11 
12 Patricia Doss

EXHIBIT A

CALIFORNIA JOB CERTIFICATION SUMMARY REPORT

STORES	PAYROLL W/E DATE	COMPLETED	PERCENT	INCOMPLETE	PERCENT	Notes
200	6/4/2005	200	100%	0	0%	
200	6/11/2005	200	100%	0	0%	
201	6/18/2005	201	100%	0	0%	
201	6/25/2005	201	100%	0	0%	
201	7/2/2005	201	100%	0	0%	
202	7/9/2005	201	100%	0	0%	
202	7/16/2005	201	100%	0	0%	
202	7/23/2005	201	100%	0	0%	
202	7/30/2005	201	100%	0	0%	
202	8/6/2005	202	100%	0	0%	
202	8/13/2005	202	100%	0	0%	
202	8/20/2005	200	99%	2	1%	
202	8/27/2005	202	100%	0	0%	
202	9/2/2005	202	100%	0	0%	
202	9/10/2005	202	100%	0	0%	
203	9/17/2005	203	100%	0	0%	
203	9/24/2005	203	100%	0	0%	
206	10/1/2005	206	100%	0	0%	
209	10/8/2005	209	100%	0	0%	
209	10/15/2005	209	100%	0	0%	
209	10/22/2005	209	100%	0	0%	
209	10/29/2005	209	100%	0	0%	
209	11/5/2005	209	100%	0	0%	
210	11/12/2005	203	97%	7	3%	
210	11/19/2005	210	100%	0	0%	
210	11/26/2005	205	98%	5	2%	
210	12/3/2005	200	95%	10	5%	
210	12/10/2005	204	97%	6	3%	
210	12/17/2005	208	99%	2	1%	
210	12/24/2005	200	95%	10	5%	
210	1/2/2006	210	100%	0	0%	
210	1/9/2006	210	100%	0	0%	
210	1/16/2006	208	99%	2	1%	
210	1/23/2006	200	95%	5	2%	
210	1/30/2006	210	100%	0	0%	

CALIFORNIA JOB CERTIFICATION SUMMARY REPORT

STORES	PAYROLL W/E DATE	COMPLETED	PERCENT	INCOMPLETE	PERCENT	Notes
210	2/6/2006	210	100%	0	0%	
210	2/13/2006	210	100%	0	0%	
210	2/20/2006	210	100%	0	0%	
210	2/27/2006	210	100%	0	0%	
210	3/6/2006	210	100%	0	0%	
212	3/13/2006	200	94%	12	6%	<u>Six Bay Area Stores</u>
213	3/20/2006	195	92%	18	8%	<u>Six Bay Area Stores</u>
213	3/27/2006	200	94%	13	6%	<u>NOTICE TO DM'S 3/29</u>
214	4/3/2006	213	100%	1	0%	<u>Notice to DM's 4/5</u>
214	4/10/2006	210	98%	4	2%	<u>Notice to DM's 4/11</u>
214	4/17/2006	210	98%	4	2%	<u>Notice to DM's 4/20</u>
214	4/24/2006	198	93%	16	7%	<u>Notice to DM's 4/26</u>
214	5/1/2006	200	93%	14	7%	<u>Notice to DM's 5/4</u>
214	5/8/2009	201	94%	13	6%	<u>Notice to DM's 5/11</u>
214	5/15/2006	198	93%	16	7%	<u>Notice to DM's 5/17</u>
214	5/22/2006	200	93%	14	7%	<u>Notice to DM's 5/24</u>
214	5/29/2006	210	98%	4	2%	<u>Notice to DM's 5/31</u>
214	6/5/2006	189	88%	25	12%	<u>Notice to DM's 6/8</u>
214	6/12/2006	IS PROBLEM NO CERTS				
214	6/19/2006	210	98%	4	2%	<u>RETURN MAIL</u>
214	6/26/2006	206	96%	8	4%	<u>RETURN MAIL</u>
214	7/3/2006	209	98%	5	2%	<u>RETURN MAIL</u>
214	7/10/2006	211	99%	3	1%	<u>RETURN MAIL</u>
214	7/17/2006	206	96%	8	4%	<u>RETURN MAIL</u>
214	7/24/2006	200	93%	14	7%	<u>RETURN MAIL</u>
214	7/31/2006	214	100%	0	0%	<u>RETURN MAIL</u>
214	8/7/2006	199	93%	15	7%	<u>RETURN MAIL</u>
214	8/14/2006	206	96%	8	4%	<u>RETURN MAIL</u>
214	8/21/2006	211	99%	3	1%	<u>RETURN MAIL</u>
214	8/28/2006	207	97%	7	3%	<u>RETURN MAIL</u>
217	9/4/2006	212	98%	5	2%	<u>RETURN MAIL</u>
217	9/11/2006	206	95%	9	4%	<u>RETURN MAIL</u>
219	9/18/2006	210	96%	9	4%	<u>Problems with download</u>
220	9/25/2006	214	97%	6	3%	<u>RETURN MAIL</u>
223	10/2/2006	200	90%	23	10%	<u>Problems with download</u>
225	10/9/2006	200	89%	25	11%	<u>Problems with download</u>
225	10/16/2006	220	98%	5	2%	<u>RETURN MAIL</u>
225	10/23/2006	220	98%	5	2%	<u>RETURN MAIL</u>
225	10/30/2006	221	98%	4	2%	<u>RETURN MAIL</u>
225	11/6/2006	222	99%	3	1%	<u>RETURN MAIL</u>
225	11/13/2006	224	100%	1	0%	<u>RETURN MAIL</u>
225	11/20/2006	225	100%	0	0%	<u>RETURN MAIL</u>

CALIFORNIA JOB CERTIFICATION SUMMARY REPORT

STORES	PAYROLL W/E DATE	COMPLETED	PERCENT	INCOMPLETE	PERCENT	Notes
225	11/27/2006	220	98%	5	2%	RETURN MAIL
225	12/4/2006	220	98%	5	2%	RETURN MAIL
225	12/11/2006	202	90%	23	10%	RETURN MAIL
225	12/18/2006	219	97%	6	3%	RETURN MAIL
225	12/26/2006	205	91%	20	9%	RETURN MAIL
225	1/1/2007	200	89%	25	11%	Problems with download
225	1/8/2007	198	88%	27	12%	Problems with download
225	1/15/2007	220	98%	5	2%	
225	1/22/2007	177	79%	48	21%	
225	1/29/2007	160	71%	65	29%	
225	2/6/2007	154	68%	71	32%	
230	2/13/2007	162	70%	68	30%	
230	2/20/2007	155	67%	80	35%	
230	2/27/2007	152	66%	75	33%	
230	3/6/2007	165	72%	65	28%	PROBLEMS WITH DATA
230	3/13/2007	184	80%	46	20%	PROBLEMS WITH DATA
230	3/20/2007	184	80%	46	20%	PROBLEMS WITH DATA
230	3/27/2007	183	80%	47	20%	PROBLEMS WITH DATA
230	4/3/2007	198	86%	32	14%	PROBLEMS WITH DATA
230	4/10/2007	208	90%	22	10%	PROBLEMS WITH DATA
230	4/17/2007	227	99%	3	1%	PROBLEMS WITH DATA
230	4/24/2007	192	83%	38	17%	PROBLEMS WITH DATA
230	5/1/2007	194	84%	36	16%	CHANGED
230	5/7/2007	186	81%	44	19%	
230	5/14/2007	182	79%	48	21%	
230	5/21/2007	187	81%	43	19%	
230	5/28/2007	184	80%	46	20%	
230	6/4/2007	179	78%	51	22%	
230	6/11/2007	174	76%	56	24%	Incountered issue
230	6/18/2007	183	80%	47	20%	
230	6/25/2007	178	77%	52	23%	
230	7/2/2007	180	78%	50	22%	
230	7/9/2007	188	82%	42	18%	
237	7/16/2007	184	78%	53	22%	
237	7/23/2007	179	76%	58	24%	
237	7/30/2007	184	78%	53	22%	
237	8/9/2007	184	78%	53	22%	

EXHIBIT B

PERCENTAGE OF YES AND NO RESPONSES FOR CALIFORNIA JOB CERTIFICATION

PAYROLLWEEK	YES%	NO%
6/4/2005	88.17%	11.83%
6/11/2005	91.19%	8.81%
6/18/2005	85.29%	14.71%
6/25/2005	90.14%	9.86%
7/2/2005	86.96%	13.04%
7/9/2005	87.34%	12.66%
7/16/2005	88.46%	11.54%
7/23/2005	84.75%	15.25%
7/30/2005	92.45%	7.55%
8/6/2005	90.24%	9.76%
8/13/2005	98.11%	1.89%
8/20/2005	91.84%	8.16%
8/27/2005	84.91%	15.09%
9/3/2005	88.46%	11.54%
9/17/2005	85.98%	14.02%
10/1/2005	88.24%	11.76%
10/8/2005	82.35%	17.65%
10/15/2005	90.91%	9.09%
10/22/2005	86.11%	13.89%
10/29/2005	88.37%	11.63%
11/5/2005	90.63%	9.38%
11/12/2005	75.00%	25.00%
11/19/2005	75.76%	24.24%
11/26/2005	88.46%	11.54%
12/3/2005	87.88%	12.12%
12/10/2005	87.10%	12.90%
12/24/2005	65.22%	34.78%
12/31/2005	90.00%	10.00%
1/7/2006	93.55%	6.45%
1/14/2006	85.71%	14.29%
1/21/2006	90.48%	9.52%
1/28/2006	93.94%	6.06%
2/4/2006	89.47%	10.53%
2/11/2006	91.67%	8.33%
2/18/2006	92.86%	7.14%
2/25/2006	89.13%	10.87%
3/4/2006	75.56%	24.44%
3/11/2006	80.95%	19.05%
3/18/2006	81.97%	18.03%
3/25/2006	79.31%	20.69%
4/1/2006	86.54%	13.46%
4/8/2006	79.66%	20.34%
4/15/2006	79.03%	20.97%
4/22/2006	69.39%	30.61%
4/29/2006	84.09%	15.91%
5/6/2006	87.04%	12.96%
5/13/2006	85.71%	14.29%
5/20/2006	82.86%	17.14%
5/27/2006	74.36%	25.64%
6/10/2006	87.88%	12.12%
6/17/2006	78.79%	21.21%

PERCENTAGE OF YES AND NO RESPONSES FOR CALIFORNIA JOB CERTIFICATION

PAYROLLWEEK	YES%	NO%
6/24/2006	84.38%	15.63%
7/1/2006	83.78%	16.22%
7/8/2006	82.35%	17.65%
7/15/2006	88.37%	11.63%
7/22/2006	81.20%	18.80%
7/29/2006	87.88%	12.12%
8/5/2006	89.23%	10.77%
8/12/2006	77.05%	22.95%
8/19/2006	87.14%	12.86%
8/26/2006	89.47%	10.53%
9/2/2006	84.44%	15.56%
9/9/2006	81.82%	18.18%
9/16/2006	86.27%	13.73%
9/23/2006	83.98%	16.02%
9/30/2006	86.58%	13.42%
10/7/2006	88.57%	11.43%
10/14/2006	77.27%	22.73%
10/21/2006	80.00%	20.00%
10/28/2006	86.15%	13.85%
11/4/2006	86.05%	13.95%
11/11/2006	83.02%	16.98%
11/18/2006	84.62%	15.38%
11/25/2006	83.75%	16.25%
12/2/2006	83.33%	16.67%
12/9/2006	81.54%	18.46%
12/16/2006	83.72%	16.28%
12/23/2006	85.71%	14.29%
12/30/2006	78.57%	21.43%
1/6/2007	81.82%	18.18%
1/13/2007	78.45%	21.55%
1/20/2007	77.87%	22.13%
1/27/2007	78.10%	21.90%
2/3/2007	81.03%	18.97%
2/10/2007	82.58%	17.42%
2/17/2007	79.37%	20.63%
2/24/2007	79.53%	20.47%
3/3/2007	78.63%	21.37%
3/10/2007	81.48%	18.52%
3/17/2007	77.78%	22.22%
3/24/2007	82.01%	17.99%
3/31/2007	79.23%	20.77%
4/7/2007	81.20%	18.80%
4/14/2007	81.20%	18.80%
4/21/2007	80.00%	20.00%
4/28/2007	79.56%	20.44%
5/5/2007	80.15%	19.85%
5/12/2007	82.19%	17.81%
5/19/2007	76.22%	23.78%
5/26/2007	82.14%	17.86%
6/2/2007	84.72%	15.28%
6/9/2007	82.78%	17.22%

PERCENTAGE OF YES AND NO RESPONSES FOR CALIFORNIA JOB CERTIFICATION

PAYROLLWEEK	YES%	NO%
6/16/2007	81.51%	18.49%
6/23/2007	85.31%	14.69%
6/30/2007	80.89%	19.11%
7/7/2007	83.66%	16.34%
7/14/2007	83.75%	16.25%
7/21/2007	83.97%	16.03%
7/28/2007	83.65%	16.35%
8/4/2007	79.29%	20.71%
8/11/2007	77.89%	22.11%
8/18/2007	79.70%	20.30%
8/25/2007	79.38%	20.62%
9/1/2007	81.12%	18.88%
9/8/2007	73.82%	26.18%
9/15/2007	79.27%	20.73%
9/22/2007	77.89%	22.11%
9/29/2007	82.54%	17.46%
10/6/2007	85.11%	14.89%
10/13/2007	81.32%	18.68%
10/20/2007	80.56%	19.44%
10/27/2007	83.24%	16.76%
1/3/2007	85.96%	14.04%
11/10/2007	86.44%	13.56%
11/17/2007	85.31%	14.69%
11/24/2007	87.50%	12.50%
12/1/2007	86.23%	13.77%
12/8/2007	86.90%	13.10%
12/15/2007	85.53%	14.47%
12/22/2007	87.74%	12.26%
12/29/2007	83.89%	16.11%
1/5/2008	84.03%	15.97%

EXHIBIT C

Document Title: Payroll Certifications for 2007

Who	What (Level 1 Category)	Where (Site Location)		
<input checked="" type="checkbox"/> State	<input type="checkbox"/> Back Office	<input checked="" type="checkbox"/> Breaking News		
<input type="checkbox"/> Region	<input type="checkbox"/> Front End	<input type="checkbox"/> Help Desk Corner		
<input type="checkbox"/> Accepts Credit Cards	<input checked="" type="checkbox"/> Miscellaneous	<input type="checkbox"/> Top Problems		
<input type="checkbox"/> Register Type		<input type="checkbox"/> Where's the Problem		
	<table border="1" style="display: inline-table;"> <tr> <td style="padding: 2px;">Level 2 Category</td> <td style="padding: 2px;">Miscellaneous</td> </tr> </table>	Level 2 Category	Miscellaneous	
Level 2 Category	Miscellaneous			

Expiration Date: 10/05/07 23:59 pm

Payroll Certifications for 2007

Our records indicate we are missing some Payroll Certifications for this year. Some certifications may have been lost due to a system problem while some were not completed. In any event, whether by computer difficulty or inaction there are some Payroll Certificates that require your attention.

All missing Payroll Certifications for 2007 are now available for you within the system. Please mark the appropriate response Y for yes did perform the duties, or N for no did not perform the duties, and indicate the reason for the N response. If you were not the manager in the store on any of the dates indicated please mark N and explain that you were not the manager at the time the certification was originally due.

We apologize for the inconvenience and appreciate your assistance.